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SENATE SUBSTITUTE AMENDMENT 1, TO 2009 SENATE BILL 287

February 22, 2010 - Offered by Senator VINEHOUT.

AN ACT *to create* 86.257 of the statutes; **relating to:** transferring ownership and jurisdiction of a highway to an American Indian tribe or agency of the United States government that is acting on behalf of an American Indian tribe.

Analysis by the Legislative Reference Bureau

Under this substitute amendment, a city, village, town, or county (political subdivision) or the Department of Transportation (DOT) may transfer jurisdiction and ownership of, or other property interest in, a highway that is under the jurisdiction of the political subdivision or DOT to a federally recognized American Indian tribe or band in this state (tribe or band) or an agency of the United States government acting on behalf of a tribe or band (agency) by entering into a jurisdictional transfer agreement with the tribe or band or agency. The jurisdictional transfer agreement must contain a dispute resolution provision and a provision requiring that the highway remain open to vehicular traffic unless the tribe or band or agency conducts a highway discontinuation proceeding similar to the proceeding that would occur if the city, village, or town in which the highway is located were discontinuing the highway.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 86.257 of the statutes is created to read:

86.257 Transfer of highways. The department or a political subdivision, as defined in s. 86.31 (1) (d), may transfer jurisdiction and ownership of, or other property interest in, a highway that is under the jurisdiction of the department or political subdivision to a federally recognized American Indian tribe or band in this state or an agency of the United States government that is acting on behalf of a federally recognized American Indian tribe or band in this state by entering into a jurisdictional transfer agreement with the tribe or band or agency. The jurisdictional transfer agreement shall contain all of the following:

- (1) A dispute resolution procedure.
- (2) A provision that requires that the transferred highway remain open to the use of the public as a matter of right for the purposes of vehicular traffic unless the tribe or band or agency conducts proceedings, makes findings, and meets other conditions for discontinuation that would be applicable to the governing body of a 1st class city under s. 62.73, if the highway is located in a 1st class city; the governing body of a village or city, except a 1st class city, under s. 66.1003, if the highway is located in a village or city, except a 1st class city; or the governing body of a town under s. 82.10, if the highway is located in a town.

19 (END)